

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 03-22046-CIV-WILLIAMS

JUAN A. SALINAS and
LUCILA FUENTES,

Plaintiff,

vs.

SUE ANN RAMSEY and
HILDA RAMSEY,

Defendants.

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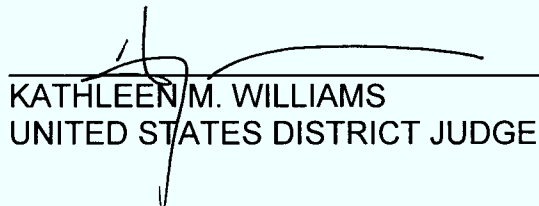
ORDER DENYING PLAINTIFF'S MOTION TO COMPEL

THIS MATTER is before the Court on Plaintiff Juan A. Salinas' motion to compel Defendant Sue Ann Ramsey to complete a fact information sheet in aid of execution pursuant to Florida Rules of Civil Procedure 1.560 and 1.977. (DE 46.)

In this case, Judge Jordan entered a final judgment in favor of Plaintiffs Salinas and Lucila Fuentes on September 24, 2004 following a jury trial that found Defendant Sue Ann Ramsey liable for money damages under the Fair Labor Standards Act. (DE 38.) The Court subsequently issued two writs of execution on the judgment against Defendant Ramsey, first on November 23, 2004 (DE 43), and again on April 6, 2005. (DE 45.) On May 15, 2015 – more than ten years after the second writ issued – Plaintiff Salinas moved to compel discovery of Defendant Ramsey's Form 1.977 information sheet pursuant to Florida Rule of Civil Procedure 1.560 (DE 46), as the law of the state where the district court sits governs the procedure for obtaining money judgments. Fed. R. Civ. P. 69(a)(1).

Unfortunately for Plaintiff Salinas, the Eleventh Circuit has found that Florida applies a five-year limitations period to a judgment creditor's efforts in federal district court to collect on a judgment previously entered by that court. *Balfour Beatty Bahamas, Ltd. v. Bush*, 170 F.3d 1048, 1050-51 (11th Cir. 1999); see also Fla. Stat. § 95.11(2)(a). The time for Plaintiff Salinas to enforce his judgment before this Court has long since lapsed. Accordingly, Plaintiff's motion is **DENIED**.

DONE AND ORDERED in Chambers in Miami, Florida, this 8th day of June, 2015.


KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE